



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,526	01/16/2004	Jose Damian Ramirez	075199.0102	5589
24735 7590 12/26/2006 BAKER BOTTS LLP C/O INTELLECTUAL PROPERTY DEPARTMENT THE WARNER, SUITE 1300 1299 PENNSYLVANIA AVE, NW WASHINGTON, DC 20004-2400			EXAMINER SPISICH, MARK	
			ART UNIT 1744	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE		
3 MONTHS	12/26/2006	ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 12/26/2006.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptocorrespondence@bakerbotts.com
oneka.davis@bakerbotts.com
darlene.hoskins@bakerbotts.com

Office Action Summary

Application No.

10/758,526

Applicant(s)

RAMIREZ, JOSE DAMIAN

Examiner

Mark Spisich

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 6/2004.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "series of gears" (claim 1, line 6), "two asymmetrical arms" (claim 1, line 8), "two projecting lugs" (claim 1, line 10), "two main gears" (claim 2, line 2), "eccentric guide" (claim 2, line 4), any relationship between the eccentric guides and the pivots of the movable arms (claim 2, lines 4-5), "spring" (claim 3, line 3 and claim 7, line 3), "main gears" (claim 8, line 2 and numerous other claims), "pair of asymmetrical arms" (claim 24, line 7), "projecting pivots" (claim 24, line 12), "pressuring springs" (claim 24, line 8), "pair of cavities" (claim 24, lines 8-9), "pair of main gears" (claim 24, line 10), "eccentric guide" (claim 24, line 11) must be shown or the feature(s) canceled from the claim(s). **No new matter should be entered.**

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

Art Unit: 1744

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The written specification and drawings fail to adequately describe the present invention. This deficiency is significant in that many of the claimed elements of the invention are not shown in the drawings and the relationship between the main elements of the invention is vague at best. For example, there is no "series of gears", no "asymmetrical arms" and no "projecting lugs" shown in the figures. What is called a "gear" (#12 in fig 3) is definitely not a pair or series of gears and secondly any

Art Unit: 1744

cooperation between the gear(s) and the moving roller (7) is not even remotely shown. The drawings further do not show a "pair of main gears" (claim 24), let alone ones that are asymmetrically mounted on opposite sides of the cavity. The pressuring springs (claim 24) are also not shown at all in the drawings, let alone the particular arrangement recited in claim 24 (lines 8-9). In summary, the specification and drawings are, with respect to understanding the basic operation of the claimed invention, very poor to the extent that the requirements of 112-1st paragraph are not met.

5. Claims 24-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This is a "new matter" rejection. The only mention of any springs is on page 4 (lines 31-35). There is no support for the recitation in claim 24 (a new claim) of the particular spring and arrangement recited in lines 8-9 of claim 24.

6. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In addition to the numerous problems with the written description of the invention (which also renders the claims indefinite and confusing for the same reason), the claims also include numerous recitations that are indefinite in their own right. "Rear area" (claim 1, line 4) lacks antecedent. "Battery box" (claim 1, line 5) lacks antecedent. "Pivots of the movable arms" (claim 2, line 5) lacks

Art Unit: 1744

antecedent. "Main switch" (claim 3, line 4) lacks antecedent. "External Actuator" (claim 3, line 4) lacks antecedent. "Internal actuator or push button" (claim 3, line 5) lacks antecedent. "Microcontroller" (claim 3, line 6) lacks antecedent. As the gears were not described in terms of "main gears" until claim 2, the reference thereto in claims 4 and 5 (and many of the remaining claims) lacks antecedent. "Microswitch" (claim 4, line 3) lacks antecedent. "Main switch" (claim 7, line 3) lacks antecedent. "External actuator or push button" (claim 7, line 4) lacks antecedent. "Microcontroller" (claim 7, line 5) lacks antecedent. For brevity, many of the terms which have been indicated as lacking antecedent in the prior claims also lack antecedent in the subsequent claims. Applicant should review the claims for any additional informalities.

Comment RE Prior Art

The extremely poor written description of the claimed invention makes it very difficult if not impossible to attempt to apply prior art against the claims. The absence of such should not be construed as an indication of allowable subject matter.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited patents are pertinent to powered wringers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (571) 272-1278. The examiner can normally be reached on M-Th (5:30-3:00), Alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone

Art Unit: 1744

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Mark Spisich
Primary Examiner
Art Unit 1744

MS